

1888-028
Lee Co.

Chancery Causes: John W. Lambert & vs. Peter Lambert &c

Southern, Young, Blakemore, Glass, Wygal, Ely, Mink.

1 Plat

CA-Estate Dispute
T-Property

To the honorable John A. Kelly Judge of the
Circuit Court of Lee County ^{Virginia}.
Humbly complaining your orators ^{& co. p. 1} John W. Lam-
bert, Peter A. Southern & Mariah E. Southern his
wife formerly Mariah E. Lambert, would respect-
fully show unto your honor, that John W. Lambert
Sr., the father of your orator John W. Lambert & your
oratrix Mariah E. Southern was in his lifetime
seized and possessed of certain real estate,
lying and being in the said County of Lee, on
the head waters of the Hurricane branch, a
tributary of Powell's River, containing 150
Acres, more or less, and being so thereof seized
and possessed, some time in the month of last
August, departed this life intestate, leaving your
orator John W. Lambert and your oratrix Mariah
E. Southern and Peter Lambert, and Dora Southern
B. E. Southern, Darius H. Southern & Rebecca M.
Southern children & heirs at law of Catharine
Southern ^{deceased} formerly Catharine Lambert, and who
departed this life before the said John W. Lambert
died, and Caldonia Lambert, daughter of
Waymond Lambert dead, Julia A. Lambert, Nathan-
iel Southern & Rebecca Southern his wife, former-
ly Rebecca Lambert, R. B. Lambert, and James
Young & Mary Young his wife, former Mary Lambert
his heirs at law, and Mary Lambert his widow.
That the said Dora Southern, B. E. Southern, Darius

H Southern, Rebecca M Southern & Caladonio
Lambert are infants under the age of twenty one
years, and are nonresidents of this State.

And your Orators & oratrix further state that the
said real estate is, as they believe, susceptible
of partition amongst the parties entitled thereto.

Now the object of this bill is to have dower as-
signed to said Mary Lambert widow of said John
W Lambert decd, and said real estate divided be-
tween the parties aforementioned entitled thereto,
according to their respective interests therein;

that a proper guardian, ad litem, be assigned the
infant defendants, to defend their interests in this
suit; To this end your orators & oratrix make
the said Peter Lambert, David Southern, B. E. South-
ern, Darius H Southern, Rebecca M Southern, Cal-
adonio Lambert, Julia A Lambert, Nathaniel South-
& Rebecca Southern his wife, R. B. Lambert, James
Young & Mary Young his wife and Mary Lambert
the parties defendants thereto and ask that they
be required to answer the same on oath; that
proper process may issue, and that the relief
asked for be granted, and for all other further
and general relief. And your orators & oratrix will
ever pray, &c.

Richmond & Orr. P. 25

C \$10.57 to Jan'y 1888
 S. 4.00
 G. A. L. 5.00
 G. 15.00
 C 1.12
 \$31.05
 Com 35.00
 \$66.05-

John W. Landeert + als.

vs Bill in Chy.

Peter Landeert + als.

1887. Entry Bill filed & 3rd

Ed on adult Deft to D. N. a.

to them A. G. A. filed

and Deft James Spang filed

" March D. N. confd & C.

set for hearing

" Aug. Deere & Court

1887. Nov. Continued

1888 Nov. & Sept Court

" Dec. Deere for

To the Hon. H. S. K. Morrison, Judge of
the Circuit Court of Lee County, Virginia.

The joint answer of James Young,
and Mary Young, his wife, vs, Mary
Lambert to a bill in Chancery filed in
your honors Court against three
respondents and others by John W.
Lambert and others.

The object of the plaintiffs bill
appears to be to have partition of
land therein described among the
heirs of John W. Lambert, Sr.,
deceased.

Your respondents admit that
your female respondent is a
daughter, and heir at Law of the
John W. Lambert, Sr., deceased.
But your respondents object to
a partition of the land being had,
as there is not enough personal
estate to equalize the heirs, the
said John W. Lambert having
made advancements to some of
his children in his life time, and,
having advanced your respondents
nothing.

Your Respondents have
filed this Original Bill in

James Hanon's Court, taking a
Settlement of this question of
advancements, among other
questions, pertinent to the full
and equitable Settlement of
the Estate of John W. Lambert,
Sr., deceased.

Having now answered
as fully as is deemed necessary,
your respondents beg to be heard
dismissed with their costs.

Wm. A. Orr.
for Respondents

Virginia

In County to wit

This annex is duly sworn
to before me by James Young
January 18 1887. J. A. Schaeffer

James Young & wife
and } Answer

John W. Lambert -
et al

Filed at Libby Rules
1887.

J. A. Hyatt & Co.

Wm. A. Orr, Atty.

To the Hon. John A. Kelly, Judge of the
Circuit Court of Lee County, State of
Virginia: —

The Answer of Dora Southern,
B. E. Southern, Francis Southern,
Rebecca M. Southern and Caladonia
Lambert, Infants, by Wm. A. Orr
their Guardian ad litem To a Bill
in Chancery filed in Your Honor's
Court by John W. Lambert & others.

The object of this suit is to have
partition of the lands of John W.
Lambert, Esq., deceased between his
heirs at Law.

Your Respondent knows
of no reason why such
partition should not be had
under the supervision of a
Court of Equity.

Respondent prays to be
hence dismissed with his
costs, leaving the interests of his
wards in your Honor's hands.

Wm. A. Orr

Guardian ad litem

Peter Lambert et al

ad. } Ans. Wm. J. Orr
J. Guadalupe ad. litem

Jud. Ct. Lambert et al
Dillon to and
Filed Nov. 20/87

J. A. S. Hyatt et al

John W Lambert

Plff

against

Peter Lambert et als Deftts

In chy.

This cause came on again to be heard, upon the papers formerly read in the cause and the report of L. M. Carnicab, S. C. Jaslyn & James ^B Baly, filed in the cause March 23rd 1885, ^{and plat therewith,} showing their partition of the land in the bill mentioned and was argued by counsel. On consideration whereof and said report being now unexcepted to, the exceptions filed thereto having been withdrawn by the exceptors, and said report having been filed the time required by law, It is adjudged, ordered and decreed, that said report, & plat therewith, be confirmed, and that the parties mentioned in said report take and hold ^{each} free from the claim of the others, the lots of land assigned them respectively according to the acres and bounds of the respective lots, as set forth in said report and plat, and that the parties to said partition, ^{except the widow,} pay the costs of this suit in proportion to their interests in the land partitioned. And it is further ordered that the decree for partition, the report and plat of said Commissioners showing said partition and this decree be furnished by the Clerk of this Court to the Clerk of the County

Recd of this County for recordation in the
Index dead book in his office was a minimum
of letters. And the cause is striking from the
doctors.

Received to only one date after Oct 1891
The foregoing portion of the book of John D.
Condit Dec. was the day that is the
book together with the page & pages written
around.

And John R. Silas Silas

No 3. 1891
John D. Condit
1891
John D. Condit

Entered Dec. 7/1888
May 1891.

Wetmore

Entered for record
Dec 7 1888
J. R. Silas

The depositions of Jas. H. Blakemore, Jacob L. Blawie, Edwin Ely, Robert Mink, James Wilder and others taken on the 23rd day of August 1858 at the Clerk's office of the Circuit Court for Lee County, which are introduced to be read as evidence in support of the Captioned ^{by James H. Blawie & others} ~~to be~~ ⁱⁿ the Partition of said land in the Chancery Cause of said W. Lambert vs Peter Lambert now pending in said Court. Present - Plaintiff and his attorney and Defs Attorney - Jas. H. Blakemore, a witness of lawful age being duly sworn before and says.

Ques. 1 By Jas. H. Blawie Atty.

Are you acquainted with the land claimed by the late Jas W Lambert Decd?

Ans. I am -
Ques 2

Do you know, or have you been shown the land so ^{that} partitioned by the Commissioners appointed in this Chancery case of J. W Lambert

18 Peter Lambert & others?

Ans. Yes sir.
Qust 3 By Sam

Do you consider that the partition of said lands as they now are, to be a fair and equal one, so far as related to Mary Young, wife of J. N. Young?

Ans. I can't say that it is, according to my views of it.

Qust 4 By Sam

Said tract of land well timbered? Has it plenty of water on it or flowing through it, for horse hold & stock uses?

Ans. The entire Lambert tract of land is tolerably well timbered, and has 2 or 3 good springs on it. The principal one runs nearly through said farm, ^{half way or more} which I consider as a whole waters the farm very well.

Qust 5 By Sam

Do you know the lot of land assigned Mary Young? If so has it either water or timber on it?

Ans. I do know the lot of land assigned Mary Young, I don't think it is

water or timber on it
either ~~one~~ - I don't think there
is but one tree on it and it is
a locust. There may be a few
bushes on it.

Ques. By same - of said lands
Has other shares, timber and
water on it - sufficient for fam-
ily stock & fencing purposes?

Ans. Some of them have some some
have not.

Ques. By same -

Has said young share any
interest in the road?

Ans. It has not.

Ques. By same

Considering said track - it said
to contain 100 acres of land water
& timber as it is, do you not
consider that May Young has been
greatly damaged by giving to her
only 8² acres of said land as
an equal, ~~share~~ it ~~particip~~
ing with water or timber?
If so what damage =

Ans. The way her share is assigned
her - I consider her damaged
considerably.

Ques. By same What is May Young's

Share worth to her as it now is?
Ans I don't think it is worth anything
because the damage sustained
in getting a road to it would
be worth more than the land
Just By Sam

What is the value of the shares
assigned Van Wyne & J. W. Lambert
& Julia A. Sheets ^{which} containing 8th 26 & 26
I consider Van Wyne's worth \$175.00
J. W. Lambert 300\$ and Julia A.
Sheets 250\$.

Examined by Council for the other share.
Then were you in the firm of Lambert & Co
and have you been over each firm?
Ans. I was on it weeks before last I
have been on and seen it all
during my life - I live near by said
land. I have noticed it some more
since the death of Mr Lambert.
than before.

Ans Please state what lots or shares have timber
& water on them?

Ans Three share on the Ridge have timber
plenty on them the balance have
no timber to amount to any thing
Blounts has a little S. E. 8

water. I think the other spring is on the dower.

Question Has lot No 4 any timber or water?

Ans. It has not, except some thickets of bushes about like Yonings.

Question What kind of land is No 4 Its quality &c?

Ans. I consider 4 acres of it good land but it is principally hill side land the other part of it is rough & rocky land.

Question What kind of land is No 3?

Ans. It lies on the top of a ridge which is sharp and on both sides, said land is steep soapstone and washed off except a little patch near the old barn.

Question What kind of land is Nos 1 + 2?

Ans. Lot No 1 is a fair piece of land, one small scalded place in it; No 2 is tolerably good land, some wash in it.

Question What shares lots have access or an outlet, to the public road?

Ans. I cannot tell you exactly I think two shares, Nos. 6 & 7 possibly one. One comes down to the river by Mr Charles's, and 1, 2, 3, 4, 5, 6 & 7 border on a road leading down.

the bridge, but neither of the roads
are public roads, Nos 1, 2, 3 & 4
do not border on any road

Question How many acres of soil located outside of
the widow's dower and what is it worth
per acre?

Ans - From the Census report there seems to
be 130 acres besides the dower, and
I consider it worth 10¢ per acre on
an average some of it is worthless
and some of it is worth something.

Question What is the recession in the dower worth?

Ans - I consider it reasonably worth subject
to dower rights 300¢ or 400¢.

Question Please state what you consider each lot or share worth.

Ans I consider No 1 worth 120¢, No 2 120¢, No 3
40¢, No 4 175¢, No 5 155¢, No 6 175¢, No 7 225¢
No 8, 225¢, No 9 275 or 300¢.

Very respectfully By Plaintiff's counsel -

State your reasons for valuing shares
in 7819 so much higher than that
of 7203 =

Ans Because they have an outlet, timber
more land and can get to water.

Ques By law

Do you believe said tract of land
susceptible of a more fair and
equal division, all things considered?

Ans I do.

Witness And further the witness with not
500 J. F. C. Plankerson

J. L. Goss an other witness of lawful age
after being first sworn depose & say -
That 1st By Rife Council

Are you acquainted with the lands
of J. H. Lanchest Decd. If so how long
have you known them, and have you
recently had occasion to go on said
lands and examine them?

Ans I am acquainted with said
lands, have known them for
the past 7 or 8 years, I have
been on and over said lands
last week.

Ques By same

do you know the lots of land as
assigned to the heirs at law of J. H.
Lanchest?

Ans I think I do.

Do you consider the ^{Division of said} land ~~containing~~
ing, quality, quantity, timber water
and all thing considered an equal &
fair one?

Ans I do not

Ques By same

Why not?

Ans. Because some have timber out
let, water and better land, I
consider the timber land better
than the cleared land, while
others have neither timber nor
water. such is the case with
Lots No 1, 3.

Ques By Same

What is the value of Lot No 6,
assigned to Mary Young?

Ans. I don't consider it worth over
\$0. I have expressed myself
that it has no value. in
my estimate it would cost
more to get a road to it, than
it is worth.

Ques By Same

He said not to be laid off
as to make it almost impos-
sible for Mrs Young to get rails
to fence said land?

Ans. It is useless passing over the
other shares.

Ques By Same

What kind of soil is No 3?

Ans. It is clay, lime stone and
gravel stone.

Ques By Same. He said Soil productive,

Ans ^{about 1 acre} Part of it, will bring tolerably good ~~price~~ and part of it will bring nothing

Guest By Sam

What is the value of lot nos 7, 8, & 9 compared with No 3.

Ans I had rather have either one of them than lot No 3, Lot No 9 by 150\$ No 8 by 100\$ and Lot No 7 by 125\$

Guest By Sam

Is the ridge so located as to ~~be~~ admit of a more fair & equal divide all things considered.

Ans I think it is.

Guest By Sam

Has lot no 3 any water?

Ans It has not.

Guest How do you value the 3 shares on the ridge as compared with the rest of said farm?

Ans I had rather have the 3 shares on the ridge than all the balance of the farm aside from the house

Guest By Sam

Would it be possible to ~~my~~ assign to ~~Marjorie~~ her interest in the house so it would appear lot No 3.

Ans It would not.

Must By Same

Let Mary young should be assigned an equal share in the Dower with the other heirs, separated as it would be worth in the worth any thing to her, she having no timber of her own.

Ans I suppose it would be worth something, but little, unless it could be sold for something, it would just give to James it that it is worth.

Examiner

Question What do you consider the entire land worth?

Ans I consider the land aside from the Dower as being worth about 1500⁰⁰.

Question What do you consider lot 101 worth?

Ans I value it at 125⁰⁰.

Question Has it timber or water or outlet?

Ans It has not.

Question What is no 2 worth?

Ans I put it at about the same 125⁰⁰, it has a spring, but no timber or outlet.

Question What is no 4 worth? and has it timber, water or outlet?

Ans I consider No 4 worth 125 ff. it has
some little timber, some spring water
some part of the year, as I am
informed this lot adjoins Mr. Hyman's
other lands but the lot itself does not
recede the road.

Thos I set Lots No 1, 2, & 4 as well as No 3, out
off from the owner by No 5.

Ans There are except No 1 which owner
on the owner.

Question. Would not Lot 1, 2, & 4 be about as difficult
to fence as No 3?

Ans. Lot No 1 & 2 have now such a fence on
one side, and would in their present
positions be easier fenced. Lot No 2
has more dirt on it than No 3.
Said Lot No 3 being on the back corner
of a ridge and it being difficult
to get access to it. - as to future
fencing within them I have
all the 4 lots about a good except No 4
which has some more timber.

Ans. By difference
which ^{shall} you consider the least
valuable -

Ans. Many things but -
And further suggestions with me
33

11 11 you another witness of lawful
are being duly sworn before and
say:

Ques. By Plaintiffs Counsel -

Are you acquainted with the
lands owned by Jas. W. Martin?
Ayes & how long have you known
them, and have you recently been
on said lands and examined the
land as partitioned by the Court
in said case.

Ayes I am acquainted with said lands
and have known them for the
past 30 years. I have lately
been on said lands and have
found the lines as partitioned
below is the parties pointed out
to me, by James A. Martin.

Ques. By same

Quantity, quality, timber, &
water facilities, all considered, do
you consider the partition made
a fair & equal one?

Ayes I do not.

Ques.

Do you know where lot No 3
is located, has it - either water
timber or any out let to a road -

Ayes - I do know where said lot lies, however

to acquisition of the plat, also from the
proportion given me by said James
V. H. Co., it has no timber, water
near outlet to any branch.

Great By Same

Is said track of land well watered
and timbered?

Ans I consider it well watered, and taken
as a whole I consider it not well tim-
bered because the timber is mostly
on the south side of said farm.

Great By Same

Is there not sufficient timber
on said farm to support it?

Ans There is.

Great By Same

Then on the partition of said lands
had the Commissioners given to each
a share a portion of timber
lands could not each share have
supported itself?

Ans Yes Sir I would think so.

Great By Same -

Which do you consider the
least valuable share in said
Partition?

Ans Lot No 3

Great By Same Is No 7, 8 & 9 well watered?

remembered?

Q. Yes.

Q. By Same.

Which is most valuable lands lots
No 7, 8, & 9 - or No 8?

A. Lots No 7, 8, & 9.

Q. By Same. Then taking it by the
Covers Report, giving to Mrs Young
on the North Side of the farm 8²
acres - lots No 7, 32 acres, No 8
26 - No 9 26, how much
would you consider Mrs Young
damaged by said partition
all thing considered -

A. Considering every thing I don't
consider her share worth
over 25 or 30 dollars, and
I consider lots No 7, 8 & 9 worth
not less than 260 each. The
reason I value No 3 so low is
because it is steep, hard to go up
and no going getting to it, it would
cost more to get an outlet to it
than I consider the land worth
under its present conditions, and
it being very poor land, except a
small amount which is very rough
Q. By Same. Is that fair value No 3

located as to be susceptible of
a more fair and equal division
all things considered?

Ans I think it is.

Examination

Question - Please state what lots or shares of
any have an outlet to a public road
Ans - Lots No 6 borders on a public way
leading by Mr. A. Webster, on which
are gates, lot No 7, 8 & 9 border on
a passway, leading across the
Ridge, these ways are not kept
up by order of Court with list
of boards, but only ways used
by persons living in the neigh-
borhood, lot No 1, 2 & 3 border
no outlet within themselves
but lot No 4 has an outlet through
its present owners land, to the
old claimable way, above referred to,
57. And further this witness with not
Heaton Myer

Met pursuant to adjournment
on the 28th Aug. 1888, at Clerk's office
of circuit court.

Present Jeff, Deft & their attorneys

Just Joseph A. Blake and others
vs the Carthage Reformatory & Boys
Institution.

I am well acquainted with the
lands owned by L. H. Lambert
at the time of his death, and have
known them ever since I was
a boy, and I am now 41 years
old. I have been over said lands
late and examined them and
partitioned among his heirs -
and from my observation, as the
lots were shown to me, I do not
consider the partition a fair or
equal one. said lands is well
watered and timbered on the
South side, my judgment is
that lots 1, 2, 3, 4, 5, 6, 7, 8, & 9 are worth 10¢
per acre, and that lot 10 is
so situated that in my judgment
it has no value, because to get
to it one would have to go
a road to it, through other parties
lands, and it is also that it
is watered or timbered, and not
a goodly the same, I think the
entire tract could be partitioned
in such a way that all the lots
would have water and timber.

and thereby make more fair
and equal among the parties,
the only way of getting a road way
to let J & B would be to begin at the
S E corner of said farm & run
along the western line of J. H. & B. City
land to James Bolins land, then
through the section and Lot 10.

Q. Remained.

Answer Is there in fact any public road passing
through said farm?

Ans. There is no public road passing
through said farm -

Question Have you, or J. H. & B. a public road to Lot 12?

Ans. By forming through the route given
for getting to Lot 10, we know other
ways.

Q. Is there a road or public way
passing through said farm?

Ans. There is a public path with
gates on it, which is only passed
by descent of the owners of
adjacent lands.

Q. Is there a road or public way
passing through said farm?

Which is the most valuable land
not considering water or timber.

last No 6 containing 8² acres
or lots No 7-8-9, containing 26
-26-032²

And I believe lots No 7, 8 & 9 would
be ~~the~~ worth the most if it was
cleared of timber and the water
permitted.

- I examined

section that would it be worth for some to clear
lots No 7, 8 & 9?

And - Almost opposite acres.

And I believe the water near to lot No 6, some
of which might be obtained, or as reasonably
expected, as the use of water near to lot
No 6, No 7, 8 & 9, if there was more
one said lot?

And I think there is

And further this witness with not
witness claim
off 20
Joseph A. Blakemore
Haverhill

Lakem Ely an other witness of
Lawful age after being duly sworn
deposes & says.

Given at My Plaintiff

And you acquainted with the
contents of No 10 & 11 & 12 & 13?
How long have you known it -
and have you been over said

would have it was partitioned
ed and here shown the boundaries
of said lands?

Ans. I am not very well acquainted
with said land. I think have
own some acres of it some, but
not own all of it, I have
known it 8 or 7 years; I have
seen it since it was par-
titioned.

Next by same.

Now you believe said tract of
land ^{is} partitioned among the heirs
to be a fair & equal one?

Ans. I don't think it is.

Next by same.

Has said lands plenty of
water & timber on it?

Ans. It has timber all together.

Next by same.

Has it not any water or
timber or soil for a road?

Ans. I have not.

Next by same.

What is the compensation made
of that road & timber &c. owned?
That is 75.00, containing 22-250
32 acres.

Ans Lots No 7, 8, & 9 are the most valuable, they are worth at least 10¢ per acre and Lot No 3 is not worth over \$2.50 per acre. I would not want it at any price, it is worn out and rough.

Ques. Again.

Ans Lots No 7, 8, & 9 plenty of water.

Ans. Lot No 3 has neither, Lot No 9 has no water but timber and Lot No 7 & 8 have both timber & water.

± Comments

Question Have you been from the Forest farm?

Ans. I now live abt 2 miles and have not lived over 3 miles from said farm for the past 8 or 9 years.

Question Have you observed the crops raised on said farms and on the different parts thereof, as to form a correct idea as to the comparative value of the different lots on said farms?

Ans. I have not.

Question Have you had any experience tending in land, in that connection or have

you succeeded the best in selling up
the different qualities of lands in that
neighborhood?

Ans I have spots.

Barrenness

Just By name

You are a farmer and work
the lands in that neighborhood and
know what is a productive soil?

Ans I am a farmer, and have worked
lands in that neighborhood and
known for productive soil, but I do
not know any lands of my own
within that further distance, with not.

p100

Leontide
Lily

Robt. Mink another witness before
us today

Just Do you know the lands of the Mc-
Minnick? But, how long have you
known it?

Ans Tolerably well, I have known the
lands 8 or 10 years. I have been
over and farmed twice since it was
partitioned among the heirs, taking
the farm all to gether it has
plenty of timber & water but it
is situated on the east side of

of the farm - I do not consider
the land as partitioned to be
a fair and equal one -
Lot No 3 has neither water
timber or outlet to a road and
I consider it not worth more
than 30 per acre, Lot No 4
7 have water timber and
is worth about 100 per acre,
Lot No 3 is so situated as
not to admit of any return
Mary Mary May Pease
in the former Pease land
off adjoining her lot No 3
I think the farm could be
partitioned in a manner to
give the heirs a fair and
more equal divide.

Examination

Question How far do you live from the subject
farm and how long have you lived there
Answer About 2 miles and have lived
that close for the past 16 years.
Question Have you had any experience buying or
selling real estate?
Answer I have not, nor do I own
any land.

Christian How old are you?

Ans I am 23 years old, will be 24
next October.

Question Is there all the lot that has no timber on
timber until?

Ans It is not, Lot 493 has in it

3000000 timber and it has no timber

but no timber that I have

of

withland And further this account with not

flow

Robert [unclear]

1/2 - 1000
20 3/4 - 1000
J. H. Lambert

(1)

The deposition of Thos. J. Tilly, and
attorneys. The above is in
accord to an agreement between
the parties at the Clerk's office
of the Circuit Court in Lee County
on the 27 day of August 1858, which
are intended to be read as evidence
on behalf of John W. Lambert et al
on exceptions made by James K.
Youngburg to the Commissioners
report of partition of lands filed
in the Cause of said Lambert et al
vs Peter Lambert et al -

Thos. J. Tilly a witness of lawful
age being duly sworn & says.

Question 1 - By J. W. Lambert atty.

Answer I state where you have your prop-
erty with the lands owned by John W.
Lambert state a year or two since you
have acquainted with said lands and
whether or not you have been out said
land since it was partitioned and
whether or not you consider said parti-
tion fair and equal or not.

Ans. I reside within 1 1/2 miles of said
farm, I am tolerably well acquaint-
ed with said farm, I own land
adjoining said farm, I have been

on said farm frequently since it was partitioned, I have been logging considerably on said land. From my observation, I cannot see but what it is a fair and equal partition. J. W. Lambert who was assigned No. 9, has proposed several times to sell me his share - he priced to me at 130 or 135\$ - I offered him 115\$ - his share adjoins my lands & I considered the 115\$ a fair price for it - he had before building a cabin house on it, (which was done after partition was made) offered his share to me for 100\$.

Nos. 7, 8 & 9 are on the Ridge and is in timber, ^{except a worn out field} its quality is poor sandy and puffy, Chestnut land. No. 6 is also poor land except about 2 acres which is reasonably good land. Nos. 1, 2, 3 & 4 are all about the same quality of land No. 1 a shade better than the others, the soil is of good heavy quality, with some lime stone rocks on it. -

I consider the lots on the
Ridge, ^{No 7, 8 & 9} as not worth over 3¢ or
4¢ per acre. Lot No 3 is
reasonably worth 10¢ per acre

Q. Is there any water on the lot?
A. Yes.

Q. Yes.

Q. Yes.

Please state on which of these
the water is?

A. There is ^{spring} water on No. 8, 45, and No 6
& 7 have a branch running through
them

Q. What kind of timber is on
No. 7, 8, & 9?

A. Chestnut Oak, sycamore, some Hickory
and plenty of dogwoods etc

Q. Yes.

Please state how much water
and timber there is on No. 3.

A. None except some brush.

Q. Yes.

Does your property adjoin any
other land that they could get
water for any purpose or wood
for your land for any purpose?

Ans None that I know of.

Yours By E. Green

Is there any road or outlet from
which lot?

Ans There is not, nor is there any
outlet to any of the lots except
a bridle way leading out by
Mr. Charles. I now by permission
use said way in hauling out
logs from Nos 7, 8 & 9. which are
poplar logs. I made this road by
consent of land owners since
the land was partitioned

Yours By E. Green

On 24 you say you value lots 1, 2, 3, 4
at \$16 per acre, containing each 20 - 20032
acres, making their value \$104, 8124, 8
while you value your adjoining wife's
share at \$10 per acre, which contains
8.2 acres making its value \$82, how
can you say that in your
appraisal the partition is a fair
and equal ^{one as} among those entitled
to equal parts?

Ans I think it is so far as it can
be made

Yours By E. Green Do you have the

(5) Convenience of timber and water
on a very small piece of land as
worth anything?

Ans. Yes.

Quest By Lane. Please tell me how
Mr Young is to get fire wood
rails to his lot?

Ans. I cannot state - should then
all agree to make line fences
I believe there is ^{nearly} enough old
rails on his lot to make his
half of the fences.

Quest By Lane

Should the cottonwood land come
subject to a partnership fence and
forming then give him lot, or some
other fenced by the old rails
has he any means to buy and
replace the fencing?

Ans. Should they object he has not
enough rails on his share
to fence it - I cannot say
as to Mr Youngs ability to pay
for, ^{or} make fences, he is regarded
as a poor man.

Quest By Lane.

Is not he to be laid off as
to the land of cottonwood?

Intended in the Mothers Dowry
to be assigned her adjoining
her lot No 3 or would not she have
to take a separate lot and deposited
grant by share No 5

Ans - She could not have her intent
in the dowry laid off adjoining
her lot No 3, nor could Lots No
1, 2 & 4,

Just before

Now would it not be a better divi-
sion of said land if lot No 5 had
been assigned at some other place
and allow each lot to adjoin the
Dowry land thus giving ^{spring & other} ¹ ^{per cent}
their respective Southwest of 1/4 No
acres off as separate parcels of land, &
would it not be considered
a sacrifice to them who had to buy
secondary timber & pine wood,

Ans I cannot see for my life how
it could be divided better
than it is.

Just before

If this be all the land owned
by you & wife, and they too
part by their interest in the
land. Does not the same

of Lot No 3, and in relation to
their small interests in the power
compel them to sell said share
or be wholly dependent on the
wishes of others for wood, water
and a roadway?

Ans - I suppose it would, he would
only be in ^{the} condition I was
in in hauling out my timber
I only got a way out by per-
mission of others - my father
owns adjoining lands which is
in just the condition of a large
lot of lands as well as all
others owning land in that
immediate section

Great By Land

Went you father ^{got} water & timber
for all purposes?

Ans He has plenty.

Great By Land

If said Commissioners by selling
said land gave to some of the said
water for all purposes to others water
rights, could to you say & wife further
than let you have said the land was
of equal value, is yours & wife not
obliged to some extent to said
restriction?

Ans I had rather have it had it
water and timber on it.
Just by hand

How much timber have you
bought on lot No 8?
Ans I bought off of No 7. 25¢ worth
but I gave 5¢ more than it
was really worth. I had
~~over it from~~ ~~lands to~~ No 9 and wanted
a road through No 7. off of
No 8 50¢ worth, and off of No 9
I bought 47¢ worth, I gave 10¢
more for the timber on No 8
than it was worth in order
to get to have the timber of
No 9 through lot No 8.

Just by hand

Then the 5¢ you paid for timber on
No 7 & 10¢ on No 8 was for a road
way? Would it not be difficult for
you or any other man without
money to get roads over any of
the lands in that neighborhood?
Ans. It would.

By hand

Do any of the heirs own any lands
adjacent to their lots or shares?

(9)

Ques.

They do not.

Ans.

This proposition specifies particular conditions
as that of any of the heirs assigned to
do with the care of the collection to be
assigned them?

Ques.

I think not

Virginia, Lee County, to wit.

This day John H Lambert personally
appeared before me & made oath that
Dora Southern, B. E. Southern, Darius H.
Southern, Rebecca M Southern & Caladania
Lambert are nonresidents of Va.
Given under my hand Nov. 10/1886.

Given to be true before me
Nov. 10/1886 John Lambert Nov. 10/1886
J. H. Bryant C.C.

Consent
of Applicant
L. M. Kent.
H. M. Kent
C. M. Kent
D. M. Kent

November 27th 1886
Baltimore, Md. (County)

L. M. Kent
L. M. Kent
L. M. Kent
L. M. Kent

8. Mary Young for men's
Ward Lambert & Francis Young
at Foulard.

John Wesley Lambert, Peter A. Southern &
Mariah E. Southern his wife formerly
Mariah E. Lambert (died 18th Jan 21)
David Southern, B. E. Southern (died 21)
Rebecca M. Southern, children & hers at care of
Catherine Southern, formerly Catherine Lambert.
Charles J. Lambert (Raymond's child) Julia A. Lambert.
Daniel Southern & Rebecca his wife, formerly Re-
becca Lambert C. & R. B. Lambert, & Mary Lambert, and one
in chry.

All the Southern children are now residents to
Heraldonia.

Free tract 50 A. On Hurricane
Lanark Street 300 S. W. Bonaville.
adjoining M. S. Hume J. V. Charles
& others.

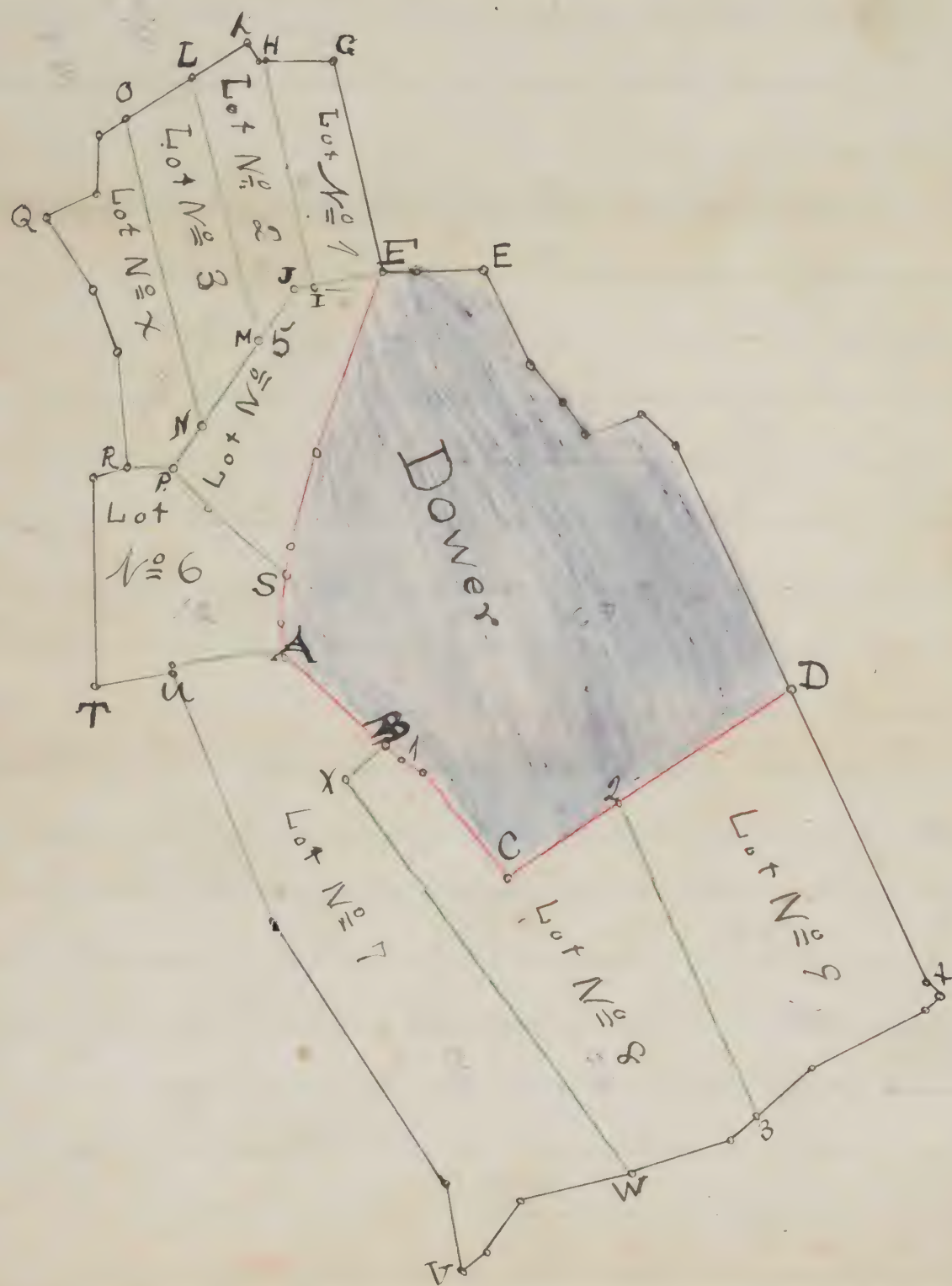
John W. Lambert
1/2 Course Report
103

Peter Lambert

Filed March 23 '88
J. A. Hyatt c.c.

Sum 1000
John
Hyatt

Course Fee \$2.00
Chain Course
Sailed March 23 '88
H. A. Hyatt



John W. Lambert Plaintiff

vs

Peter Lambert Defendant

Sheet
No. 1

In Chy

Pursuant to an order of The Circuit Court of Lee Co. Va. dated Sept. 2 1887. We the undersigned Commissioners appointed to Partition the lands of John W. Lambert do hereby have executed said decree according to the following Plat & Report. We surveyed the entire lands and found them to contain about 208 acres.

We first laid off and assigned to Mary Lambert, widow of said John W. Lambert, that which we consider to be equal in value to one third of said land and bounded as follows to wit.

Beginning at (A) a small cedar S.W. of mansion house & in a hollow thence up said hollow with branch S 49 1/2 E 38.40 poles to (A) a stake in old house & a few poles S.E. of spring house. S 59 E 6.18 poles to a stake S 41 E 29.60 poles to a (C) stake. thence leaving hollow N 55 1/2 E 8.0 poles to (D) a stake on original East line & with same & a fence N 26 W 65 3/4 poles to a sasafas. thence continuing with fence N 47 1/2 W 11.60 poles to a stake. S 67 1/2 W 16.40 poles to a stake N 36 W 9.60 poles to a stake N 41 1/2 W 12 poles to a stake N 27 W 26.30 poles with the top of a dog to a (E) stake. thence with a conditional line between this

and the lands of James Bowlin,
S $88\frac{1}{2}^{\circ}$ W 16.50 poles to a historic. S 87° W 8.32 poles
to (F) a stake corner to the tract known as the Mar-
shal land. S $19\frac{1}{2}^{\circ}$ W 48.28 poles S 15° W 23.80 poles
S $5\frac{1}{2}^{\circ}$ W 19.32 poles S $5\frac{1}{2}^{\circ}$ E 8.42 poles to (A) the Beginning
Embracing mansion house, Orchard, garden, out
buildings and containing 69 acres be the same
more or less—

Having due regard to quantity, quality, water, ways
&c we divided the residue into what we consider to be nine
equal parts or shares

we have laid off and assigned to the heirs
at law of Catharine Southern decd. viz Rebecca
M. Southern. Dora Southern. B. E.
Southern and Dorcas Southern. Lot
No 1. and bounded as follows Beginning
at (F) a stake corner to the Dover. Thence with
original line N 14° W 53 poles to a stake West $72\frac{1}{2}^{\circ}$
to (H) a stake S $14^{\circ}23'$ E 55 poles to (I) a stake N 78° E
 $17\frac{1}{2}$ poles to (F) the Beginning. Containing 6
Acres be the same more or less.

We have laid off and assigned to Peter Sam-
uel Lot No 2. Beginning at (I) a stake
thence Thence N 78° E 4.40 poles to (I) a stake cor-
ner to Lot No 1. and with a line thereof N $14^{\circ}23'$
W 55 poles to (H) a stake West 0.68 poles to a stake

N 23 W 4.50 poles to (K) a stake at a fence corner to M. V. Wynns Land and with a line thence along a line fence S 56 1/2 W 7.70 poles to a stake at (L) S 14 1/2 E 69 poles to (M) a stake N 88 1/2 E 17 poles to (T) the beginning. Containing 7 acres be the same more or less.

We have laid off an assigned to Mary Young wife of Jas. R. Young Lot No 3 and bounded as follows to wit Beginning at (M) a corner to Lot No 2 thence S 33 1/4 W 22 poles to (N) a stake N 14 W 80 poles to (O) a stake on line of M. V. Wynns & with same N 56 1/2 E 18 poles to (K) a stake corner to Lot No 2 & with a line of the same S 14 1/2 E 69 poles to (L) a stake, the beginning. Containing 8 1/2 Acres be the same more or less.

We have laid off and assigned to M. V. Wynns assigned of Mariash Lenthams Lot No 4 which is bounded as follows Beginning at (P) a small white oak & red-bud on top of a high point N 33 1/4 E 12 poles to (N) corner to Lot No 3 and with a line of the same N 14 W 80 poles to (O) a stake on said Wynns and with said line S 56 1/2 W 7.70 poles to a sugar tree & hickory (both gone) original corner - S 22 W 14 poles to a stake in a field

S 64 1/2 W 14 1/2 poles to (A) a stake in a hollow Thence
up said hollow S 35 3/4 E 21.60 poles to an apple
tree S 21 3/4 E 16.86 poles to two elms S 7 1/2 E
28.80 poles to (R) a stake by a chestnut oak on
top of a ridge Thence N 89 E 11.20 poles to (C) the
beginning Containing 8 1/2 acres

We have laid off and assigned to Cal-
donia Lambert, daughter of Wayman Lambert
decd. Lot N^o 5 and bounded as follows
to wit Beginning at (F) a stake corner to
lot N^o 1 Thence S 78 W 24.90 poles to (D) a locust
S 33 1/4 W 53 poles to (C) corner to lot 4 a white oak & red
bud on top of a high spur S 42 E 13.28 poles
to a chestnut oak clearing on top of a spur S 47 E 28.
poles to (S) a stake on the lower line, and
with same. N 6 1/2 E 7.64 poles N 15 E 23.80 poles
N 19 1/2 E 48.28 poles to (F) the Beginning -
Containing 11 3/4 acres be the same now or
left - we reserve to this lot the privilege of obtaining
water for household use, at the spring situated on the
lower line -

We have laid off and assigned to R. B. Lam-
bert Lot N^o 6 and bounded as follows -

Beginning at (P) a white oak & red bud on
top of a high hill corner N^o 5 & S 89 W 11.20
poles to (R) a stake near a chestnut oak S 73 1/2 W
8.94 poles to a black oak & hickory oak down an
old corner Thence with old line (N. Charles)
S 2 E 57 poles to (T) a stake in a lane N 80 E

19.84 poles to (U) a sugar tree on the south side
of a branch N 23 E 0.40 poles to a stake in said
branch and up the same N 83 E 22.20 poles
to a stake S 52 E 4.66 poles to (A) the begin-
ning of the lower and with line Thence
of N 5 1/2 W 8.42 poles to a stake N 6 1/2 E 11.60
poles to (S) a stake corner to lot N^o 5 and
with line Thence N 47 W 28.1 poles to a
chestnut on top of a spur N 42 W 13.28
poles to (P) the beginning. Containing
acres 12 be the same now or left - we reserve
to this lot the privilege of obtaining water for household
purposes at the spring situated on the lower line -

We have laid off and assigned to Eliza
Southern, wife of Nathaniel Southern, Lot
N^o 7 which is bounded as follows

Beginning at (U) a sugar tree on the south
side of a branch, corner to Lot N^o 6 Thence with
Charles line S 23 E 66.60 poles to a black
oak on top of a hill - S 84 1/2 E 76.80 poles
to a red oak stump (a black oak marked as
a pointer S 10 1/2 E 22.50 poles on top of Wal-
rus ridge at (V) thence with the top of said
ridge N 50 E 8 poles N 32 E 15.60 poles N 76 E
28 poles to (W) a stake thence leaving the
top of ridge N 37 W 117 poles to (X) a stake
at an old fence N 46 E 14.25 poles to (B) a
stake in the branch and on the lower line
and with same N 49 1/2 W 32.92 poles to
(A) a cedar corner to lot N^o 6 Thence with line
of same N 52 W 4.66 to a stake near a branch

thence down and with road S 83 W 22.20
poles to a stake in branch S 23 E 0.40 poles
to (1) the beginning = Containing
32 acres be the same more or less
This Lot the knowledge of William Miller
or household purposes, at the spring situated on the
Lower Lands

We have laid off and assigned Julia
A. Sheets, formerly Lambert, Lot No 8 which
is bounded as follows Beginning at (B)
corner to Lot No 7 thence with line of Lower
up a hollow S 49 1/2 E 5.48 poles to (1) a stake
S 59 E 6.18 poles to a stake S 41 E 29.60 poles to
C a stake N 55 1/2 E 30 poles to (2) a stake S 26 E
80 poles to (3) a stake on top of Wallins ridge
thence with the same S 48 W 8 1/2 poles to a stake
S 41 W 26.76 poles to (4) a stake corner to Lot
No 7 & with lines of same N 87 W 117 poles
to (5) a stake N 46 E 14.25 poles to (B) the be-
ginning Containing 26 acres be the
same more or less

We have laid off and assigned to John
W. Lambert Lot No 9 bounded as follows
Beginning at (4) a chestnut oak & gum on top
of Wallins ridge (original corner) thence
with an old marked line N 26 W 80 poles
to (D) a stake & corner to the Dower and with a
line thereof S 55 1/2 W 50 poles to (2) a stake corner
to Lot No 8 and with a line thereof S 26 E

85 poles ^{to 31 a stake} on top of Wallins ridge and with the top of said ridge N 48 E 26.80 poles N 61 E 81.77 poles N 47 E 4.84 poles to a chestnut oak & 2 Chestnuts thence N 56 E W 4.50 poles to the beginning containing 26 Acres be the same line for left. We assign to this lot the privilege of using a passway or lane to the Cave spring on lot N^o 8. Provided the owner of lot N^o 9. bears the expenses of building & repairing fence to said water - and said lane to be made around the northern side or end of the lot or field in which now stands the house occupied by said John A. Sheets. But nevertheless the owners of said lot N^o 9 may have the privilege of carrying water for family use from the nearest spring on lot N^o 8.

We thought it not advisable to make partitions of the Dover at the present, but agree to do so if the Court deems it best.

All of which is most Respectfully submitted
 this 13th of December 1887
 L. M. Carnical
 H. C. Joslyn
 Dec 13. 1887
 Commissioners

John W. Lambert and wife

Peter Lambert and wife

The defendants James H. Young and Mary Young his wife came into court and except to the report of partition made by L. H. Casselman & Co. Surveyors of the said land in the case of the

First Because said Young have not given the female exceptors her due and equal proportion of the tract of land - the full permanent quantity of water as provided

Secondly Because said tract of land is well cultivated and by the partition made by said commissioners they have not assigned one stick of timber to Lot 103 which they have allotted to the female exceptors.

Third The same partition has water thereon and by the said partition not a drop of water is conveyed to Lot 103 nor has the same ^{thing} been granted by the said commissioners the right or privilege of using water from the spring on said land but have they been granted the right of way to any water thereon

Fourth Because said commissioners have not allowed the female exceptors the right or privilege of passing through or over the land of others in order to reach and use said Lot 103 so as to make it worth any thing to these exceptors.

For these and other reasons to be assigned at bar, these exceptors pray that said report of partition be quashed or annulled in whole or in part.

James B. Gurney
Wesleyan Conference
Council.

I do solemnly swear that I only believe that
the plea submitted reads in the foregoing
manner, so help me God.

Witness my hand and seal
this 1st day of May

1888

April 1888

James B. Gurney

Wesleyan Conference

1st day of May

Mr John W. Lambert, Peter A. Southern & Mariah L Southern

You will take notice that at the clerk's office of the Circuit Court of Lee County on the 23rd day of Augt 1888 we will proceed to take the depositions of Jas Blakemore Jacob Glass Robert Mink Ben Drury & others - - which when taken, are intended to be read as evidence on our behalf, in a certain chancery suit now pending in the circuit court of Lee County in which you are plaintiffs and we and others are defendants and if said depositions are not completed on that day the taking thereof will be continued from day to day till completed. Augt 15/1888 Truly yours

James N. Young
Mary Young

James N. Young & wife

ad. 3/4 Netu

John W. Lambert & son

Mr John W Lambert Peter A. Southern & Marshall L. Southern

You will take notice that at the clerks office of the Circuit Court of Lee County on the 23rd day of Augt 1888 We will proceed to take the depositions of Jas Beakmon Jacob Glass Robert Mink Ben Derry & others which when taken are intended to be used as evidence on our behalf in a certain chancery ~~suit~~ ^{suit} now pending in the Circuit Court of Lee County in which you are plaintiffs and we and others are defendants. & if said depositions are not completed on that day, the taking thereof will be continued from day to day till completed August the 15th 1888

I rely Yours

James N. Young,

Mary Young

For Peter Southern & wife.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING,

WE COMMAND YOU to summon

Peter Lambert, James Young,
& Mary Young, his wife, formerly Mary Lambert, & son Southern
B. G. Southern, Darius H. Southern, Rebecca M. Southern, & Ladona
Lambert, Julia A. Lambert, Nathaniel Southern & Rebecca Southern
his wife, formerly Rebecca Lambert, R. B. Lambert & Mary Lambert

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first

Monday December next, being Rule Day, to answer a Bill in Chancery exhibited in our

Court against them, by John W. Lambert & Peter
A. Southern and Mariah E. Southern
his wife formerly Mariah E. Lambert

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the

Court House, this 23rd day of November 1884, in the 11 year of the Commonwealth.

A COPY--TESTE:

J. A. G. Hyatt Clerk.

John W. Lambert et al

vs ³ Spain & Key

Peter Lambert et al

To Deed Rules 1886

Did not leave
the office.

J. S. H. Co

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU to summon

13
3
8
Peter Lambert James Young &
Mary Young his wife formerly Mary Lambert Doris Southern B. C.
Southern Marcus A. Southern Rebecca W. Southern Caladonia Lambert
Julia A. Lambert Nathaniel Southern & Rebecca Southern his wife
formerly Rebecca Lambert R. B. Lambert & Mary Lambert

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first
Monday February next, being Rule Day, to answer a Bill in Chancery exhibited in our
Court against them, by John W. Lambert and

Peter A. Southern & Mariab. C. Southern his
wife formerly Mariab. C. Lamberts.

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the
Court House, this 29th day of December, 1886, in the 11-year of the Commonwealth.

A COPY--TESTE:

J. A. G. Hyatt Clerk.

102 + 40

John W. Lambert et al

No 3. Spain chcy

Peter Lambert et al

Lo February Rules 1887

Expended by delivering
Office copies of this Spa
to Peter Lambert, James Young
James Young his wife
Mary Lambert Julia
A Lambert Nathaniel
Southern, Rebecca Southern
and R. B. Lambert

Feb 1887. St. Louis D.B.
for R. D. Flannery & Co
166 8

\$

4.00

5.68